

EXHIBIT FF

Condensed Transcript of

Machinski, Adele J. (Vol. 01) - 12/17/2008

Monday, March 16, 2009, 4:29:26 PM

Condensed Transcript of Machinski, Adele J. (Vol. 01) - 12/17/2008
Monday, March 16, 2009, 4:31:04 PM

DELL - Texas

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2
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE WESTERN DISTRICT OF TEXAS
5 AUSTIN DIVISION
6
7 HITUL GANDHI, individually)
8 and on behalf of a class of)
9 others similarly situated,)
10 Plaintiff,)
11 vs.) No. A-08-CA-248-JRN
12)
13 DELL INC., and DELL)
14 MARKETING USA, L.P.,)
15 Defendant.)
16
17 CATHERINE L. DAVIS and TOMMY)
18 MOORE, Individually and on)
19 Behalf of others similarly)
20 situated,)
21 vs.) No. A-08-CA-794-JRN
22)
23 DELL, INC. d/b/a DELL)
24 COMPUTER, INC., a Delaware)
25 corporation, DELL USA L.P.,)
a Texas Limited Partnership)
and DELL MARKETING L.P., a)
Texas Limited Partnership,)
Defendant.)

Page 3

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3 DEPOSITION OF ADELE JENE MACHINSKI
4 TAKEN ON BEHALF OF THE PLAINTIFFS
5 IN OKLAHOMA CITY, OKLAHOMA
6 ON DECEMBER 17, 2008
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13 Reported by: Elizabeth Caudill, CSR, RMR, CRR
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1 A That's correct.
2 Q And what about the log-off time, is
3 that also a manual log-off time?
4 A It's manual for the employee to go into
5 KRONOS and say "This is what time I left for the
6 day."
7 Q Okay. Is that the same thing as the
8 hours being calculated for the person being
9 worked that day? Does that make sense?
10 A What the employee enters as the time I
11 began work and the time I end work?
12 Q Uh-huh.
13 A That is the time that they're paid for.
14 Q Okay. There's been some suggestion in
15 this case about KRONOS deducting one hour for
16 lunch.
17 Are you aware that KRONOS deducts
18 automatically one hour for lunch every day?
19 A Yes.
20 Q Okay. And that's something that's been
21 preset in the KRONOS programming by Dell;
22 correct?
23 A Yes.
24 Q Is there a policy with regard to if an
25 individual does a work through lunch, you know,

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1 Q Who would I need to ask about that? Is
2 that the KRONOS management people, or what
3 division or department?
4 A I don't know. I would assume someone
5 that has ownership for KRONOS. And I just don't
6 know that, who that is.
7 Q Okay. Are you physically working in
8 the same vicinity as business sales
9 representatives on a queue, ma'am?
10 A I'm in the same building.
11 Q Are you on a different floor?
12 A Yes.
13 Q Okay. So you don't really observe
14 these folks as they're doing their daily duties
15 and taking phone calls, do you?
16 A Sometimes.
17 Q Are you aware that Dell, from time to
18 time, or frequently, really, brings in lunch for
19 the individuals to do some training about
20 products that are being offered?
21 A Yes.
22 Q Okay. Is there any tracking of how
23 often that's done and what days that's done?
24 A Not that I'm aware of.
25 Q Is there any way we could determine,

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1 for example, if they attend a training or
2 something like that, whereby they can get
3 compensated for either all or a part of the time
4 they worked during lunch?
5 A Yes. They should enter -- they should
6 record the actual time that they worked, and if
7 they worked through lunch, they should record
8 that they worked through lunch.
9 Q How are they able to record that they
10 worked through lunch?
11 A It's through the KRONOS tool.
12 Q And do you know how that's done through
13 the KRONOS tool?
14 A I don't specifically know how to do it
15 because I've never had to do it, but my
16 understanding, you -- it's -- I think you sign
17 in, you sign out, you sign in, you sign out
18 again.
19 Q Okay.
20 A But I'm not 100 percent because I've
21 never had to do it or I don't know if there's an
22 exception button or something to take it away.
23 Q Okay. Now, is there a way to stop
24 KRONOS from deducting the hour?
25 A I don't know.

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1 for example, if you look at a particular week on
2 a calendar in any given week during the year,
3 what events took place during the lunch hour that
4 week? Is there any way we could find this
5 information out?
6 A I don't know.
7 Q You don't know --
8 A I don't know because I don't know if
9 they keep records of it. I just don't know.
10 Q Do you have any idea who would
11 coordinate lunches being brought in for sales
12 representatives?
13 A It is generally someone within the
14 business. I don't know if it's always the same
15 individual, if it's the -- I don't know who
16 brings it in, honestly, or who coordinates it.
17 Q Okay. And when you say "somebody
18 within the business," are you talking about
19 somebody within the business segment?
20 A So for SMB, someone within SMB. If it
21 was the channels group, someone within the
22 channels group. If it was EFP or the ATG group,
23 somebody within that group.
24 Q Okay. And are you aware whether or not
25 Dell makes any effort in its time keeping

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1 mechanism to reprogram KRONOS on the days that
2 those presentations are being made during the
3 lunch hour?
4 A To reprogram KRONOS?
5 Q Yes, such that it's not going to deduct
6 the hour for lunch.
7 A I don't know.
8 Q You're not aware of that happening, are
9 you?
10 A No.
11 Q Is Dell essentially leaving it up to
12 the employees who attended those trainings during
13 lunch to correct the deduction of time being made
14 for the lunch hour?
15 A The direction always to the employees
16 is to "Record all hours worked. And if you work
17 through lunch, make sure you record that you work
18 through lunch."
19 Q Okay. In the training materials, is
20 your group and the various -- well, in your new
21 hire orientation, for example, are you letting
22 them know that an hour is going to be deducted
23 unless they report working during that time?
24 A I don't know, because I don't know if
25 we talk about KRONOS. I can't recall talking

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1 Q And you have sat through these training
2 sessions before; correct?
3 A I sat through new employee orientation
4 as a new employee, and I don't remember
5 everything that was talk -- and I don't remember
6 being -- talking about KRONOS in that time. I
7 just know that it happened -- that it happens.
8 I don't -- you know, I haven't sat -- I
9 don't sit through every new -- I don't sit
10 through any of the new employee orientations,
11 actually, after my own.
12 I'll come in and observe pieces of it,
13 but -- so I don't think it's a new employee
14 orientation, but I'm really not sure.
15 Q Let's talk about just training sessions
16 in general or team meetings that may occur during
17 the business day. It's my understanding the
18 queue folks, there's maybe 10 to 15 of them that
19 report to a manager; correct?
20 A That's correct.
21 Q And then you have several different
22 managers, and they're all reporting up to an ISR.
23 Is that accurate?
24 A ISM, yes.
25 Q ISM. Okay. And from time to time,

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1 about KRONOS in the new hire orientation.
2 Q Do you know who's responsible for doing
3 any presentations on KRONOS? I mean, you're
4 aware that some KRONOS presentations are done.
5 A Yes.
6 Q But you're not aware whether or not
7 they present that information about the deduction
8 for lunch?
9 A My assumption is that it is.
10 Q But you don't know for sure?
11 A I'm pretty sure, because just every
12 conversation that -- that I've had with an
13 employee or that I've heard managers talk about
14 or when they're having the lunches --
15 Q Uh-huh.
16 A I don't ever recall sitting in on a
17 training session, though, where they're talking
18 about KRONOS and saying "Make sure that you're
19 doing this."
20 Q Okay. You don't ever recall being
21 present during that --
22 A Right.
23 Q -- and talking about that particular
24 issue?
25 A Correct.

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1 there's going to have to be a huddle of the
2 manager with the folks on his queue -- his or her
3 queue; correct?
4 A Yes.
5 Q Does Dell generally request that those
6 take place either before the shift starts or
7 afterward? Or what's the policy, if you know?
8 A No policy. We do expect that our
9 managers have team meetings, huddle with the
10 teams, are usually during the workday --
11 Q Okay.
12 A -- is my understanding.
13 Q Is there time that's built into the
14 shift to take this team off line during the shift
15 and make them unavailable for calls so they can
16 have their huddle? I'm assuming they can't have
17 the huddle and be taking calls; correct?
18 A Correct.
19 Q Because the manager needs to speak to
20 everyone?
21 A Correct.
22 Q So are you saying they're going to take
23 time off the queue to have their huddle or do you
24 think it's really happening sometime after the
25 shift's over?